

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CTI CLINICAL TRIAL
SERVICES, INC.,

Plaintiff

v.

C-1-10-491

GILEAD SCIENCES, INC.,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 76) to which neither party has objected.

Upon a *de novo* review of the record, the Court finds that the Judge has accurately set forth the applicable law and has properly applied it to the particular facts of this case. Accordingly, in the absence of any objection by plaintiff, this Court accepts the Report as uncontroverted. The Report and Recommendation of the United States Magistrate Judge (doc. no. 76) is hereby ADOPTED AND INCORPORATED HEREIN BY REFERENCE. Plaintiff's Motion for Partial Summary Judgment on Count I

of the Complaint (doc. no. 43) is DENIED. Defendant's Motion for Partial Summary Judgment on Count I of the Complaint (doc. no. 45) is GRANTED and plaintiff is barred from pursuing the second component of its claim for damages under Count I, consisting of payment for work it would have performed during the Notice Period. Defendant's Motion for Partial Summary Judgment on Counts II and III of the Complaint (doc. no. 46) is GRANTED and these claims are DISMISSED.

This case shall proceed to trial as previously scheduled by the Court.

IT IS SO ORDERED.

s/Herman J. Weber
Herman J. Weber, Senior Judge
United States District Court